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November 30, 2000

Assistant Commissioner for Patents
Washington, DC 20231

Attention: Application Processing Division
Special Processing and Correspondence Branch

RECEIVED

DEC 07 2000

OFFICE OF PETITIONS

Re: U.S. Divisional Patent Application No.: 09/658,969
Entitled: *METHODS FOR MODULATING THE ACTIVITY OF MSH5*
(As amended)
Filed: September 11, 2000
Inventors: Winfried Edelmann, Richard D. Kolodner,
Jeffrey W. Pollard, and Raju S. Kucherlapati
Our Ref. No.: AHN-001DV2

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Petition Requesting a Grant of the Original Filing Date Under 37 C.F.R. §1.182 with Appendix A (a copy of the postcard receipt date stamped);
2. Preliminary Amendment;
3. A copy of the Formalities Letter;
4. A Check for \$130.00 (petition fee); and
5. A return postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Application Processing Division, Special Processing and Correspondence Branch, Washington, DC 20231 on:

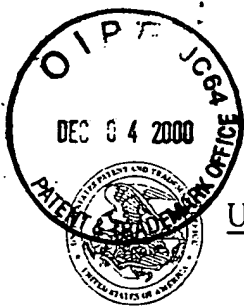
Date

Amy E. Mandragouras, Reg. No. 36,207

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Amy E. Mandragouras
Reg. No. 36,207
Attorney for Applicants



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/658,969	09/11/2000	Winfried Edelmann	AHN-001DV2

000959
LAHIVE & COCKFIELD
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BOSTON, MA 02109

FORMALITIES LETTER



COPY

Date Mailed: 10/26/2000

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) Fig 3I up to 3L described in the specification.


I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(i))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the PTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE